REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-35 are pending, claims 1, 13, 24, and 25 having been amended by way of the present amendment, claims 36-39 having been withdrawn from consideration in this application.

In the outstanding Office Action claims 1-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bahlmann (U.S. Patent No. 6,487,594, hereinafter Bahlmann), in view of Cogger et al. (U.S. Patent Application Publication No. 2002/0087383, hereinafter Cogger), and further in view of Official Notice. For reasons discussed below, this rejection is respectfully traversed.

The undersigned appreciatively acknowledges the interview granted by Examiners Dinh and Zhong on October 5, 2004. At this interview, Examiners Dinh and Zhong agreed to withdraw the finality of the outstanding Office Action dated September 14, 2004 in light of a misunderstanding in an interview conducted on August 4, 2004 between the undersigned and Examiner Zhong in a related case (U.S. Patent Application Serial No. 09/784,068) regarding the teaching of Bahlmann. Accordingly, as reflected in the Interview Summary, Examiner Zhong has agreed to consider Applicant's response to the outstanding Office Action.

Applicant respectfully traverses the characterization of Bahlmann at ¶ 35 of the outstanding Office Action. In particular, as explained in further detail below, Applicant maintains its contention that the regional systems in the system of Bahlmann are regional operations of the same MSO company. This distinction is critical in light of the structural and functional differences required by the presently claimed invention to provide a system for maintaining a common network to connect end-users to different systems of different service providers.

Bahlmann depicts a policy management system through which a single Internet

service provider (ISP) can offer Internet services to its subscribers in different regions.

Bahlmann discusses a system having regional policy databases and a central policy database

operable with the regional policy databases to allow that single ISP to manage and inter-relate

the components of their regional operations as well as the differences between the regional

operations. Bahlmann only refers to providing such a method and system for a single ISP.

Bahlmann is rife with examples that make clear that the system is for use by a single

company as a way of enforcing consistency across that single company's different regional

offices. As one point of clarification, Applicant respectfully submits that the phrase

"Multiple System Operator," or "MSO," is a term of art that refers to a type of organization

that provides various communication services, and is not used to refer multiple

organizations.[1] Accordingly, the MSO in Bahlmann is a single company, and not multiple

companies. Moreover, Applicant respectfully submits that each of the regional operations

described in Bahlmann refers to a regional operation of the same MSO.

The following non-exhaustive list provides excerpts from Bahlmann that support

Applicant's contention that the system described therein if for use by a single organization

having one or more regional operations, and does not describe a system that can manage a

common network that connects end-users to multiple different service providers, as required

by the pending claims:

a. "… the present invention provides a policy management system for *an Internet

service provider having a plurality of Internet servers in different regions*." Bahlmann at

col. 2, lines 6-8 (*emphasis added*);

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[1] Even Bahlmann recognizes that an MSO is a type of organization, and not multiple
organization. Bahlmann states that MSO stands for "multiple subscriber organization."
Bahlmann, col. 3, lines 5-6. However, Applicant respectfully submits that the commonly
understood meaning of MSO in the art is "Multiple System Operator." This distinction does
not impact Applicant's argument that an MSO is a type of an organization.

b. "The product objects define products supported by *the Internet service provider*. The feature objects define features of the products supported by *the Internet service provider*." *Id.* at col. 2, lines 16-19 (*emphasis added*);

c. "… the present invention provides *a policy management system for an Internet service provider having a plurality of Internet servers in different regions*." *Id.* at col. 2, lines 25-27 (*emphasis added*), and

d. "The standardized product requirement means that each product sold by *the MSO must be the same across the entire MSO. For example, if a basic residential Internet service is offered in any two (or more) regions, the features, cost, etc. of the product must be the same across all regions in which it is being offered*." *Id.* at col. 4, lines 51-56 (*emphasis added*).

In contrast, the system of the present invention makes use of a third party's common network to provide connectivity between end-users from <u>different</u> service providers and the systems of those <u>different</u> service providers. The common network is not part of one of the infrastructure maintained by the service providers. Accordingly, the owner of the common network has as its customers the different service providers. The end-users that are connected to the different service providers are customers of those service providers, not of the owner of the common network. Unlike the system of <u>Bahlmann</u>, the different service providers are free to offer whatever products and pricing they desire. In the system of the present invention, and in stark contrast to the regional operations in the system of <u>Bahlmann</u>, the different service provider customers of the operator of the common network are possibly competitors of one another.

The present invention is directed to a common trouble ticketing capability usable by a system for managing such a common network connecting end-users to different service providers. Because the end-users of the common network are customers of <u>different</u> service

providers, the trouble ticketing system must be accessible to those different service providers so that they can manage their customer's needs.

The independent claims have been amended by way of the present amendment to highlight certain structural differences between Bahlmann and present invention. For example, independent claim 1 has been amended to require that the trouble ticketing system include a common provisioning mechanism that is used to provision end-users from different service providers onto the common network. In contrast, the system of Bahlmann is structured such that the provisioning of users is distributed to each of the regional operations. Bahlmann, col. 2, line 67-col. 3, line 2 ("Each regional operation 16 has at least one Internet provisioning server for providing Internet service to subscribers."). Furthermore, independent claim 1 requires that the system include a digital repository that is populated with entries including information and trouble ticket entries corresponding to end-users of different service providers. This centralized maintenance of trouble tickets for end-users that are customers of disparate service providers is direct contrast to the system in Bahlmann where only the regional operations maintain subscriber information (and only for that region's subscribers):

> Subscriber management system (SMS) database 46 represents the repository of subscriber specific data. SMS database 46 represents the only place where subscriber name, address, billing information, etc. reside. All other systems maintained by the network provider do not contain any duplicate information to that of SMS database 46 except for the account number. The account number is the network providers [sic, provider's] single reference back to each MSO subscriber.

Bahlmann, col. 6, lines 59-66.

Independent claims 13, 24, and 25 have been similarly amended by way of the present amendment to highlight the structural and functional differences between Bahlmann and the present invention discussed above in the context of claim 1.

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Thus, it is respectfully submitted that independent claims 1, 13, 24, and 25 patentably define over Bahlmann.

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Bahlmann in view Cogger, and in further view of Official Notice.

Cogger is directed to web-based trouble ticket tracking system through which a user can submit and track the status of a trouble ticket.[2] However, Applicant respectfully submits that Cogger does not teach or suggest what is also lacking in Bahlmann, as discussed above in the context of the independent claims.

The Examiner has provided Vassell et al. (U.S. Patent No. 6,496,575) as support for his conclusion that providing a computer readable memory encoded with processor readable instructions is well known.[3] However, Applicant respectfully submits that the Official Notice does not teach or suggest what is also lacking in Bahlmann, as discussed above in the context of the independent claims.

Therefore, no matter how Bahlmann is combined with Cogger and the Official Notice taken, the combination fails to teach or suggest the presently claimed invention. Thus, it is respectfully submitted that independent claims 1, 13, 24, and 25, as amended, are patentable over Bahlmann in view of Cogger and the Official Notice taken in the outstanding Office Action. Because claims 2-12 depend from claim 1, claims 14-23 depend from claim 13, and claims 26-35 depend from claim 25, it is respectfully submitted that these dependent claims also patentably define over Bahlmann in view of Cogger and the Official Notice taken in the outstanding Office Action.
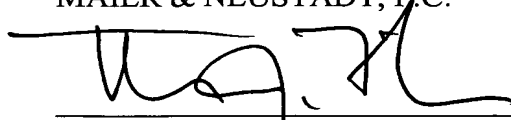
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[2] *See, e.g.*, Cogger at p. 2, ¶ 18.
[3] Office Action dated September 10, 2004, ¶ 9.

Consequently, in view of the present amendment, and in light of the above comments, Applicant respectfully submits that the invention defined by claims 1-35 is patentably distinguished from the prior art. An early and favorable reconsideration of this application is therefore respectfully requested.

Respectfully submitted,

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